IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY**

**and**
**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 11038 of 1995**

Between:

R.Ramesh Kumar Reddy S/o. Rajagopal Reddy
R/o. Reddivaripalli, H/o. Lakki Reddipalli,
Lakkireddipalli Mandal, Cuddapah District.

**..... PETITIONER**

AND

1 The Govt. of Andhra Pradesh Rep. by its Secretary,

Panchayat Raj, Secretariat, Hyderabad.
2 The Commissioner, Panchayat Raj
Hyderabad.
3 The District Collector,
Cuddapah.
4 The District Panchayat Officer
Cuddapah.
5 G.Dwarakanath Reddy S/o. Ramasubba Reddy
M.L.A. Lakkireddy Palli, Cuddapah District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly writ of mandamus, declaring the section 3 of A.P. Gramapanchayat Raj Act and Rules made under G.O.Ms.No.515 dt.17-8-94 as un-constitutional and also declare the G.O.Ms.No.232 and 225 dt.18-4-1995 and 11-4-95 respectively and consequential order of the First Respondent in G.O.Ms.No.425 (PR RD) Dt.3-6-95 setting aside the order of the 3rd Respondent dt.12-4-95 as null and void and pass

**Counsel for the Petitioner: MR.G.RAMACHANDRA REDDY**
**Counsel for the Respondents 1-4.: GP for Panchayat Raj.**
**Counsel for the Respondent No.5: None appeared.**

**The Court made the following :**

**Order: (Per Sri BRSR.J)**

The petitioner challenges the decision of the Government vide G.O.Ms.No.425 (PR &RD) dated 3.6.1995 where under Lakkireddipalli Gram Panchayat (Lakkireddipalli mandal) was bifurcated into Lakkireddipalli and Appakondaiahgaripalli Gram Panchayats.

The contention is that there were no proceedings as such initiated by the District Collector in terms of the rules framed by the Government in G.O.Ms.No.515 dated 17.8.1994 and the guidelines framed in G.O.Ms.No.232 and 225 dated 18.4.1995 and 11.4.1995 respectively. In the absence of proposals from the District collector, the Government straight away could not have decided to bifurcate an existing Gram Panchayat into two and that too without following the requisite procedure.

This Court, vide its order dated 6.6.1995 having admitted the writ petition grated stay of further proceedings and the same is subsisting even as on date. The impugned order has not been given effect to by the respondents in view of the order passed by this Court interdicting the Governmental order dated 3.6.1995. No counter affidavit has been filed so far. In the circumstances, the averments made in the affidavit filed in support of the writ petition remained uncontroverted.

The impugned order of the Government reads as if a revision was filed on

28.5.1995 by the villagers of appakondaiahgaripalli and as well as lakkireddipalli villages requesting for bifurcation of Lakkireddipalli gram panchayat into two gram panchayats in the manner referred to hereinabove. In the absence of any decision by the Collector, there could not have been any revision as such. This fact lends credence to the averments made in the affidavit filed in support of the writ petition that the whole of the governmental order was passed at the instance of the then local MLA. The Government on the mere representation of the MLA could not have ordered for the bifurcation of an existing gram panchayat into two without following the procedure prescribed by the rules referred to above.

For the aforesaid reasons, the impugned order is set aside.

This order however shall not preclude the District Collector to set the law in motion for bifurcation of the existing gram panchayat, if he considers the same to be in public interest. It is needless to observe that in such an event, the prescribed procedure has to be followed and an appropriate decision be taken thereon in accordance with law.

The writ petition shall accordingly stand disposed of .No costs.

(B.SUDERSHAN REDDY,J)

Dt. 30..09..2004

(K.C.BHANU,J)

..... REGISTRAR

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SECTION OFFICER

To

1 The Secretary, Panchayat Raj,

Secretariat, Government of A.P.

Hyderabad.

2 The Commissioner, Panchayat Raj
Hyderabad.

3 The District Collector,
Cuddapah.

4 The District Panchayat Officer
Cuddapah.

5. 2CCs to G.P, for Panchayat Raj, High Court of A.P.

Hyderabad (OUT)

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